

CLEARY GOTTlieb STEEN & HAMILTON LLP

2000 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D.C. 20006-1801

(202) 974-1500

FACSIMILE
(202) 974-1999

WWW.CLEARYGOTTLIEB.COM

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SÃO PAULO

ABU DHABI

SEOUL

Writer's Direct Dial: +1(202) 974-1920
E-Mail: gcary@cgsh.com

MARK LEDDY
GEORGE S. CARY
MITCHELL S. DUPLER
GIOVANNI P. PREZIOSO
MICHAEL H. KRIMMINGER
MATTHEW D. SLATER
MICHAEL A. MAZZUCHI
ROBERT W. COOK
MARK W. NELSON
ROBIN M. BERGEN
DEREK M. BUSH
BRIAN BYRNE
PAUL D. MARQUARDT
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PAUL R. ST. LAWRENCE
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DANIEL B. SILVER
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SARA D. SCHOTLAND
WILLIAM B. MCGURN III
JOHN S. MAGNEY
JANET L. WELLER
LINDA J. SOLDI
JOHN T. BYAM
SENIOR COUNSEL

W. RICHARD BIDSTRUP
STEVEN J. KAISER
JOYCE E. MCCARTY
KATHLEEN W. BRADISH
COUNSEL

KAREN A. KERR
JOHN P. MCGILL, JR.
THOMAS L. HALL
LARRY WORK-DEMBOWSKI
SENIOR ATTORNEYS

NOWELL BAMBERGER
STEPHEN BOWNE
JACOB M. CHACHKIN
ETHAN CRAIG
SARAH GRANDALL
DANIEL CULLEY
MATTHEW A. DAIGLER
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ALEXIS R.B. LAZDA
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TARA LYNN TAVERNIA
TEALE TOWELL
ASHLEY WALKER
ERIK WITTMAN
ASSOCIATES

* ADMITTED ONLY TO A BAR OTHER THAN THAT OF THE DISTRICT OF COLUMBIA.
WORKING UNDER THE SUPERVISION OF PRINCIPALS OF THE WASHINGTON OFFICE.

August 29, 2014

VIA ECF

Hon. Vernon S. Broderick, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, MDL No. 2542;
Keurig's Opposition to JBR's Motion for a Preliminary Injunction

Dear Judge Broderick:

This firm is counsel to Defendant Keurig Green Mountain, Inc. ("Keurig") in the above-referenced action. With this letter, Keurig has filed its opposition to the motion by Plaintiff JBR, Inc. (d/b/a Rogers Family Company) ("JBR") for a preliminary injunction. As set forth below, Keurig requests (1) that portions of its opposition be filed under seal, and (2) that it be granted leave to file its brief and two declarations in excess of the applicable page limits.

I. Request To File Under Seal

Pursuant to Your Honor's Individual Rule 5(B) and the Protective Order entered by the Court on June 6, 2014 (No. 14 Civ. 905, ECF No. 49), Keurig respectfully requests to file under seal portions of its opposition to JBR's motion for a preliminary injunction.

Keurig's opposition references and attaches documents designated by Keurig as "Highly Confidential" under the Protective Order because they are the subject of reasonable efforts to maintain secrecy, could afford an advantage over others, and because their disclosure would cause material injury to Keurig. Keurig's opposition also references and attaches documents

designated by JBR as Highly Confidential, which JBR has represented are of a similar nature. Accordingly, the parties' interests warrant the filing of certain of Keurig's opposition papers under seal. *See generally Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006).

Specifically, Keurig requests that the following documents be filed under seal in their entirety:

- Exhibits 4-6, 8, 13-16, 18, 22, 32, 36, 44-49, 51-53, 58, 64-70, 74-77, and 79 to the Declaration of Elaine Ewing.
- Exhibits 1 and 6 to the Declaration of Kevin M. Murphy, Ph.D.
- Exhibits 4-8 to the Declaration of S.P. Kothari, Ph.D.

Keurig requests that the following documents be filed with the redactions indicated:

- Memorandum of Law in Opposition to JBR's Motion for a Preliminary Injunction
- Declaration of Kevin M. Murphy, Ph.D.
- Declaration of S.P. Kothari, Ph.D.

II. Request To Exceed Page Limit

In addition, pursuant to Your Honor's Individual Rule 4(D), Keurig respectfully requests leave to file its brief and two supporting declarations in excess of the applicable page limits.

JBR's motion papers include nine declarations, four of which exceed the default page limit. In opposition, Keurig requests to file only two declarations, one by Kevin M. Murphy, an economics expert, and one by S.P. Kothari, an accounting expert. Given the fact-intensive nature of this complex antitrust case, Keurig believes good cause exists to allow each expert additional pages in which to fully set forth their analysis and conclusions. Additionally, Keurig requests to file a memorandum of law that is 5 pages over the 25-page limit.

Respectfully submitted,

/s/ George S. Cary

George S. Cary

cc: counsel of record (via ECF)